

**REMARKS**

**Summary Of The Office Action & Formalities**

**Status of Claims**

Claims 1, 2 and 4-20 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 15 and 16. No new matter is added.

**Claim Rejections - § 112**

Claims 1, 2 and 4-14 are rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at page 2 of the Office Action.

Applicant is amending the claims to overcome this rejection.

**Allowable Subject Matter**

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if the 35 U.S.C. 112, second paragraph rejection is overcome.

**Art Rejections**

Claims 1, 2, 4-12 and 14-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Heukamp (WO 2004/000066).

Applicant respectfully traverses.

**Claim Rejections - 35 U.S.C. § 102**

*Claims 1, 2, 4-12 and 14-20 In View Of Heukamp.*

In rejecting claims 1, 2, 4-12 and 14-20 in view of Heukamp, the grounds of rejection state:

Heukamp discloses a fluid dispenser head 1 that cooperates with a dispenser member disposed along the 15 axis on a fluid reservoir that attaches to the base of 11 including a fluid duct with

an inlet adjacent 10 along the axis 15 and an outlet dispensing orifice 3 located on the distal end of the rotary portion 4, a closure means that includes a closure member plug 7 that plugs the outlet 3 in the plane of the outlet, with a rotary portion 4 that rotates to an open position in figure 2 and a closed position in figure 1, a non-rotary portion 11, and displacement means 9. In regard to claims 9, 11 and 15-20, Heukamp discloses a connection element 12 and an anchor element 6 because it threads onto and holds 4 in place. In regard to claims 9, 10 and 15-20, Heukamp discloses a connection element 8 and an anchor element 12.

Office Action at pages 2-3.

Newly cited Heukamp discloses a dispenser head especially adapted to be mounted on a tilt valve for dispensing foam or gel. The head has a skirt 11 adapted to be fixedly secured to the reservoir and a pivoting spout 1' which is hinged to the skirt 11 at a bridge connecting the two pieces together.

When pressing on the spout 1', the spout pivots about the bridge, which defines a horizontal axis. The spout does not move axially, but pivotally. Furthermore, the spout does not rotate around the skirt.

In the dispenser according to claim 1, it is clear that the head moves axially during dispensing along the axis XX, and rotates about this same axis XX when opening/closing the dispenser orifice. Moreover, in Heukamp, the dispensing and the opening of the dispenser orifice is simultaneous. In the present invention, these two operations are separated. Accordingly, claim 1 defines a dispenser head that is fundamentally different from the dispenser head disclosed in Heukamp.

In order to emphasize the foregoing difference, Applicant has amended claim 1 to recite the axis XX about which the rotary portion rotates.

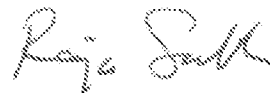
In view of the foregoing differences, the Examiner is kindly requested to reconsider and withdraw the rejection of claims 1, 15, and 16 and claims 2, 4-14, and 17-20 that depend directly or indirectly from claims 1 or 16.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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